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**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**  
**CENTRAL DIVISION**

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<p><b>ANGELITA M. CHEGUP, et al.,</b></p> <p style="text-align: center;"><b>Plaintiffs,</b></p> <p><b>v.</b></p> <p><b>UTE INDIAN TRIBE OF THE UNITAH AND OURAY RESERVARTION, a federally recognized Indian tribe; et al.,</b></p> <p style="text-align: center;"><b>Defendants.</b></p>	<p style="text-align: center;"><b>ORDER DENYING MOTION FOR COSTS AND FEES</b></p> <p style="text-align: center;"><b>Case No. 2:19-cv-00286-DAK-PMW</b></p> <p style="text-align: center;"><b>District Judge Dale A. Kimball</b></p> <p style="text-align: center;"><b>Chief Magistrate Judge Paul M. Warner</b></p>
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District Judge Dale A. Kimball referred this case to Chief Magistrate Judge Paul M. Warner pursuant to 28 U.S.C. § 636(b)(1)(A).<sup>1</sup> Before the court is Plaintiffs' motion for costs and fees.<sup>2</sup> The court has carefully reviewed the written memoranda submitted by the parties. Pursuant to Civil Rule 7-1(f) of the Rules of Practice for the United States District Court for the District of Utah, the court has concluded that oral argument is not necessary and will decide the motion based upon the written memoranda. *See* DUCivR 7-1(f).

In their motion, Plaintiffs seek an award of costs and fees based upon Defendants' alleged refusal to waive personal service without good cause. *See* Fed. R. Civ. P. 4(d). After carefully considering Plaintiffs' motion, the court concludes that Plaintiffs have failed to demonstrate that Defendants refused to waive personal service without good cause. Furthermore, it is important

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<sup>1</sup> *See* ECF no. 4.

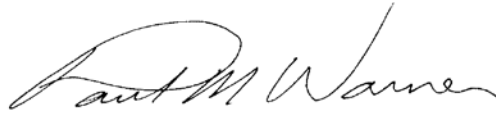
<sup>2</sup> *See* ECF no. 73.

to note that in a Memorandum Decision and Order dated December 3, 2019, Judge Kimball granted a motion to dismiss brought by Defendants and dismissed this action with prejudice.<sup>3</sup> Under those circumstances, the court concludes that Plaintiffs are not entitled to the award of costs and fees that they seek. Therefore, Plaintiffs' motion for costs and fees<sup>4</sup> is DENIED.

IT IS SO ORDERED.

DATED this 23rd day of January, 2020.

BY THE COURT:

A handwritten signature in blue ink, reading "Paul M. Warner", is written over a horizontal line.

PAUL M. WARNER  
Chief United States Magistrate Judge

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<sup>3</sup> See ECF no. 85.

<sup>4</sup> See ECF no. 73.